



DEPARTMENT OF PLANNING
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

KA'AINA S. HULL
RECEIVED

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR
20 SEP 15 10:23

TO: Jade K. Fountain-Tanigawa, County Clerk
FROM: Ka'aina S. Hull, Planning Director
RE: COUNCIL ITEMS REFERRED TO THE PLANNING COMMISSION AND PLANNING DEPARTMENT



My apologies for such a late response to your June 26, 2020 memorandum concerning items referred to the Planning Commission and Planning Department. The following is the Planning Department's response to the attached items that were referred to the County of Kauai Planning Commission and Planning Department for review, recommendation, and response.

Referred to the Planning Commission:

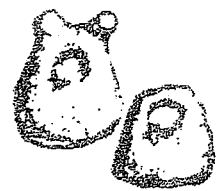
- 1. Proposed Draft Bill (No. 2246), referred to the Planning Commission on November 7, 2007.

Bill No. 2246 refers to amending Condition No. 4 of Ordinance PM-316-95 (Damien and Elizabeth Victorino, Alfred and Elsie Victorino, Damien O. Victorino, Gary Victorino, Diane T. Juarez, and Veronica H. Smith, Applicant) by providing an extension of time to obtain final subdivision approval. The bill proposed extending the final subdivision approval deadline an additional 24 months (2 years), but also stated that "no further extensions shall be granted beyond this date without good cause". As of today, the applicant has not obtained final subdivision approval.

- 2. Bill No. 2044, referred to the Planning Commission on March 13, 2003.

Bill No. 2044 refers to the Princeville "Greenbelt" debate about preserving the natural, forested areas adjacent to the resort areas and golf courses in Princeville. Walton Hong represented the Princeville Corporation during the Council discussions about this property. Neighboring property owners were very concerned that their views and scenic greenbelts will be lost if the large parcel was allowed to be developed. Some neighboring property owners claimed to have seen evidence that the Corporation did indeed plan to have the large parcel developed. The land area is currently zoned Open, and based on current satellite imagery, is still mostly trees.

Referred to the Planning Department:



3. Bill No. 1993, Draft 1, referred to the Planning Department on October 18, 2001.

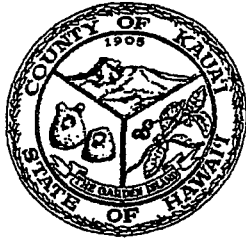
Bill No. 1993 refers to consideration of Public Accessways to Archaeological and Historic Sites. According to the draft bill, "The Planning Commission shall require the dedication of adequate public access-ways for a subdivision that abuts, encompasses, or is in close proximity to cultural resources and historic or archaeological sites and/or structures, provided that the County indemnifies the landowner for such access. The Planning Commission may also require the preservation of all historic and archaeological sites, known or discovered on the parcel to be subdivided."

Based on Planning Department records (i.e. Planning Commission Agendas, Zoning Permit Records and Maps, etc.), it appears that the Clerk of the Planning Commission did not transmit the draft bills to the Planning Commission. The Planning Department reviewed the Planning Commission agendas in the following years: 2001, 2003, and 2007. No record of the respective bills were found in the Planning Commission agendas during this timeframe.

Therefore, the Planning Department has no objections if Council Services disposes of the aforementioned draft bills. Mahalo!

This is the crux of the matter before us. We want Bill 2044 to be revived, not disposed.

COUNTY COUNCIL
Arryl Kaneshiro, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Felicia Cowden
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

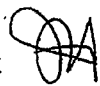
Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kauai, Hawaii 96766

MEMORANDUM

June 26, 2020

TO: Ka'aina S. Hull, Planning Director

FROM: Jade K. Fountain-Tanigawa, County Clerk 

RE: **COUNCIL ITEMS REFERRED TO THE PLANNING COMMISSION AND PLANNING DEPARTMENT**

The attached items were referred to the County of Kauai Planning Commission or Planning Department for review, recommendation, and response. The items have been dormant on the Council's Pending/Deferred Log awaiting a response. Please review these items and notify me if the Commission or the Department plan to entertain these proposals. If these items are obsolete and no further action will be taken, please notify me of such in writing so that we can properly dispose of these items at a future Council Meeting.

Referred to the Planning Commission:

1. Proposed Draft Bill (No. 2246), referred to the Planning Commission on November 7, 2007 (See Attachment 1).
2. Bill No. 2044, referred to the Planning Commission on March 13, 2003 (See Attachment 2).

Referred to the Planning Department:

1. Bill No. 1993, Draft 1, referred to the Planning Department on October 18, 2001 (See Attachment 3).

A response is requested by July 31, 2020. Should you have any questions, please feel free to contact me or Council Services Staff at 241-4188.

SS:jy

Attachments

cc: Michael A. Dahilig, Managing Director

A BILL FOR AN ORDINANCE TO AMEND OPEN DISTRICT DESIGNATIONS ON
ZONING MAP ZM-PR700 AT PRINCEVILLE, KAUA'I, HAWAII

(Kaua'i County Council, Applicant)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF
HAWAII:

SECTION I. Findings and Purpose.

In 1969, Eagle County Development Corporation (predecessor to Princeville Corporation) applied for a land use and zoning change for approximately 465 acres from pastoral use to golf course and open space. Representations are contained throughout the extensive entitlement records of the Princeville Phase I development project of "park," "green belt," and "open space" areas. For example, in 1971, a transmittal from Eagle County Development Corporation to the members of the Planning Commission references "450 acres...designated as green belt areas. Of that 450 acres, 312 are employed for the golf course." References to "park," "green belt," and "open space" areas are also contained in records and exhibits submitted to the Planning Commission in applications made involving the Princeville Phase I project over the ensuing years. Further, maps included in the 1983 Princeville Phase II Environmental Impact Statement identify various greenbelt areas as "park."

While no zoning district in Chapter 8 of the Kauai County Code 1987, as amended (Comprehensive Zoning Ordinance, or "CZO"), carries a "zero" permitted residential density factor, Section 8-3.8(c) of the CZO allows for:

"Open Space. When a subdivision meeting the density and parcel area requirements of Sec. 8-3.6, results in the designation of areas within the subdivision for open space use, the areas shall be designated on the final subdivision map as permanent open space, and in that case, upon approval of the final subdivision map the areas shall automatically be transferred to Open District for zoning purposes."

Since original entitlements for the Princeville Phase I project preceded formal adoption of the CZO (Ordinance No. 164, August 17, 1972), it is believed that the legislative intent to maintain those areas in Princeville Phase I originally designated as "park," "green belt," and/or "open space" as "permanent open space" is expressed through Section 8-3.8(c) of the CZO.

In 1995, two (2) "green belt" areas were sold by Princeville Corporation to private buyers. The sales price of \$10,960 for a 20.74-acre parcel (TMK 5-4-05:37) was recorded in 1995; the County's assessed value of the land at that time was \$11,000. The County assessed a second greenbelt parcel sold in 1995 at \$9,900 (TMK 5-4-05:10).

This has led to a current situation where one of these designated "green belt" areas has been sold to a subsequent owner, and is currently on the market for sale once again. The difference between the original sales price of the green belt parcel and the current reported asking price indicates that original representations which had been made at the time of the initial zoning re-designation of Princeville Phase I may not have been transmitted to subsequent owners of the parcel.

The Kaua'i County Council ("Council") believes that current activity involving Open District parcels identified on County Zoning Map ZM-PR700 could interfere with the original intent and use of these areas as represented by the developer of Princeville Phase I for these green belt areas, and as originally contemplated by the County.

The Council further finds that this action is necessary for the promotion of the goals and objectives of the County's November 2000 Kaua'i General Plan ("General Plan") and North Shore Development Plan, and thereby furthering the public health and welfare.

SECTION II. Affected Area. Lands defined in the CZO as Open District ("O"), within the State Urban Land Use Districts, as designated on County Zoning Map ZM-PR700, are by reference made a part hereof and are hereby established as permanent open space.

SECTION III. Applicability

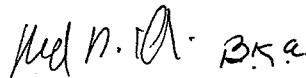
- A. From the effective date of this ordinance, or upon adoption of amendments to the Comprehensive Zoning Ordinance Open District regulations, North Shore Development Plan Ordinance, or the General Plan to the contrary, no subdivision or building permit approvals shall be granted within the Open District designation on County Zoning Map ZM-PR700, except as specifically permitted herein.
- B. Section "III. A." shall not apply to the application for and granting of subdivision and/or building permit approvals on Open District lands on County Zoning Map ZM-PR700 in the following instances, provided the application qualifies under the Subdivision Ordinance for the County (Chapter 9, Kauai County Code 1987, as amended), the Comprehensive Zoning Ordinance (Chapter 8, Kauai County Code 1987, as amended), the Building Code for the County (Chapter 12, Kauai County Code 1987, as amended), and all other applicable laws, rules, and regulations:
1. Subdivision and building permit approval to allow for the construction of public facilities or structures or public utility installations, as defined in Section 8-1.5, Kauai County Code 1987, as amended.
 2. Non-dwelling unit accessory structures as defined in Section 8-1.5, Kauai County Code 1987, as amended.
- C. Nothing contained in this ordinance shall be deemed to affect any subdivision application or building permit approved prior to the effective date of this ordinance.

SECTION IV. Penalties. Any person, firm, entity or corporation subdividing land or submitting a building permit application in violation of this ordinance shall be subject to the penalties and enforcement provisions contained within Section 9-5.4, Kauai County Code 1987, as amended.

SECTION V. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or portion of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION VI. Effective Date. This ordinance shall take effect upon its enactment.

INTRODUCED BY:



RONALD D. KOUCHI

DATE OF INTRODUCTION:

December 19, 2002


Līhu'e, Kaua'i, Hawai'i

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2044, which was passed on first reading and ordered to print by the Council of the County of Kauai at its meeting held on December 19, 2002, by the following vote:

FOR PASSAGE:	Furfaro, Kaneshiro, Munechika, Rapozo, Tokioka, Yukimura, Asing	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0.

Lihue, Hawaii
December 20, 2002


Peter A. Nakamura
County Clerk, County of Kauai